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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY JEAN LAMBERT,

Plaintiff,

v.

PROPERTY AND CASUALTY INSURANCE
COMPANY OF HARTFORD; HARTFORD
UNDERWRITERS INSURANCE
COMPANY, companies and entities licensed to
do business in Arizona and Nevada; DOES 1
through 10; XYZ Corporations 11 through 20;
and ABC Limited Liability Companies 21
through 30, inclusive,

Defendants.

Case No.: 2:17-cv-01509-RFB-PAL

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES
(FOURTH REQUEST)**

Defendant Property and Casualty Insurance Company of Hartford (**Defendant**), incorrectly named as Hartford Underwriters Insurance Company, and plaintiff Mary Jean Lambert (**Plaintiff**), respectfully submit the following stipulation requesting a sixty (60) day extension of the current scheduling order deadlines.

I. INTRODUCTION.

This case is a dispute arising out of an automobile insurance policy. Plaintiff allegedly suffered injuries as a result of a motor vehicle collision on April 11, 2012, and made a claim on her insurance policy. Plaintiff filed a complaint in State Court on April 17, 2017, alleging breach of

1 contract, contractual breach of implied covenant and good faith and fair dealing, and unfair claims
2 practices. On May 26, 2017, Defendant removed this matter to Federal Court. A discovery plan and
3 scheduling order was entered on August 24, 2017 [ECF Docket #12]. An order to extend discovery
4 deadlines was entered on November 29, 2017 [ECF Docket #19], February 5, 2018 [ECF Docket #
5 22], and April 3, 2018 [ECF Docket #24].

6 **II. DISCOVERY STATUS.**

7 On April 3, 2018, the court entered an order to extend discovery deadlines which set the
8 following deadlines:

- 9 (a). Discovery Cut Off: Tuesday, July 31, 2018.
- 10 (b). Motions to amend pleadings or add parties: No extension requested.
- 11 (c). Initial Expert Disclosures: Friday, June 1, 2018.
- 12 (d). Rebuttal Expert Disclosures: Monday, July 2, 2018.
- 13 (e). Interim Status Report: Friday, June 1, 2018.
- 14 (f). Dispositive Motions: Thursday, August 30, 2018.
- 15 (g). Pretrial Order: Tuesday, Monday, October 1, 2018.
- 16 (h). Extensions or Modifications of the Discovery Plan and Scheduling Order:
17 Tuesday, July 10, 2018.

18 On June 6, 2018, the court entered an order to extend expert disclosure deadlines which set
19 the following deadlines:

- 20 (a). Initial Expert Disclosures: June 15, 2018.
- 21 (b). Rebuttal Expert Disclosures: July 16, 2018.

22 A. Discovery that has been completed.

- 23 1. Plaintiff served her initial disclosures on August 15, 2017.
- 24 2. Plaintiffs served her first supplement to initial disclosures on August 18, 2017.
- 25 3. Defendant served its initial disclosures on August 18, 2017.
- 26 4. Plaintiff served her second supplemental disclosures on September 7, 2017.
- 27 5. Plaintiff served her designation of expert witness on September 7, 2017.
- 28

6. Defendant served its first set of requests for production of documents and first set of interrogatories to Plaintiff on September 21, 2017.
7. Plaintiff served her first supplemental expert designation on October 11, 2017.
8. Plaintiff served her responses to defendant's request for production of documents and answers to defendant's interrogatories on November 15, 2017.
9. Plaintiff served her second supplemental expert designation on January 7, 2018.
10. Plaintiff served her third supplemental expert designation on January 22, 2018.
11. Defendant served its initial expert disclosure on January 30, 2018.
12. Defendant served its notice of deposition of Plaintiff on February 22, 2018.
13. Plaintiff served her designation of rebuttal expert witnesses on March 5, 2018.
14. The deposition of plaintiff occurred on June 12, 2018.
15. Defendant served another initial expert disclosure on June 13, 2018.

B. Discovery that Remains.

1. Expert rebuttals;
2. Depositions of Plaintiff's treating physicians;
3. Deposition of Expert Witnesses;
4. Depositions of any other fact witnesses.

The parties reserve the right to take additional discovery should the need arise.

C. Pending Motions.

There are currently no pending motions before the court.

III. REASON WHY EXTENSION IS REQUIRED.

The parties are requesting an additional sixty (60) days of discovery in order to complete depositions of the physician witnesses. Hartford's counsel reached out to Plaintiff's counsel in June after Plaintiff's deposition and IME were completed to coordinate scheduling of the depositions of the treating physicians and expert witnesses. Due to the physicians and expert witnesses' busy schedules as well as summer vacations, the parties have had difficulty coordinating the depositions

during the remaining discovery schedule. Currently, at least one physician is unavailable for a deposition until August, and the parties are still awaiting responses from one other physician and an expert witness as to their availability. This request is being made in a timely manner. The parties believe that good cause is demonstrated.

IV. PROPOSED SCHEDULE.

- (a). Discovery Cut Off: **Monday, October 1, 2018 (deadline falls on a Saturday).**
- (b). Motions to amend pleadings or add parties: **No extension requested.**
- (c). Initial Expert Disclosures: **No extension requested.**
- (d). Rebuttal Expert Disclosures: **Thursday, August 10, 2018.**
- (e). Interim Status Report: **No extension requested.**
- (f). Dispositive Motions: **Monday, October 29, 2018.**
- (g). Pretrial Order: **Friday, November 30, 2018.**
- (h). Extensions or Modifications of the Discovery Plan and Scheduling Order: **Monday, September 10, 2018 (deadline falls on a Saturday).**

DATED this 10th day of July, 2018.

| AKERMAN LLP | BERNSTEIN & POISSON |
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| <u>/s/ Jamie K. Combs</u> DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 JAMIE K. COMBS, ESQ. Nevada Bar No. 13088 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 <i>Attorneys for Property and Casualty Insurance Company of Hartford</i> | <u>/s/ Karlie M. Gabour</u> SCOTT L. POISSON, ESQ. Nevada Bar No. 10188 KARLIE M. GABOUR, ESQ. Nevada Bar No. 13123 320 S. Jones Blvd. Las Vegas, Nevada 89107 <i>Attorneys for Mary Jean Lambert</i> |

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: July 13, 2018